(4)

SINGLE BENCH (1)

C.S.100/-

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 1537 OF 2005

PETITIONERS

1. Ripu Sudan Shrivas, S/o. Barman Lal Shrivas, Aged about 56 years.

2. Radha Krishna Shrivas, Aged about 46 years.

R/o. Near Kelo Bridge, Raigarh (C.G.)

P.R. No. 1735/05
Presented by Shri Rodhna Jc
dated 20.04.05

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through Secretary, Urban Administration, D.K.S. Bhawan, Raipur (C.G.)

2. Collector, Raigarh, Through Najul Branch, Raigarh (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

(78)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 1537/05 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

21.4.2005

Shri Kishore Bhaduri, Advocate for the petitioners.
Shri Pramod Verma, Addl. A.G. for the State.

Application for urgent is allowed.

Heard.

The matter was earlier decided by the Board of Revenue, thereafter by the High Court of M.P. in Second Appeal. Thereafter, S.L.P. was preferred before the Apex Court and the judgment of the High Court was confirmed long back and the petitioners have not delivered the possession so far.

The High Court of M.P. in the case of Ashfaq Ahmed and ors. Vs. Nehru Singh and others; reported in 1989 JLJ 223 has dealt with similar matter. Learned counsel for the petitioners submitted that he wants to withdraw this petition.

The party agitating before the Court ultimately owes the duty to comply with the orders specially so when the High Court considered all these questions in Second Appeal No. 85 of 1992 (Annexure P-10) and Hon'ble Supreme Court dismissed the Special Writ Petition on 29.7.1994 (Annexure P-11). More than 10 years have passed, orders have not been complied with and on one pretext or the other, the matter has been prolonged and the possession has not been delivered till date.

Since Shri Bhaduri, learned counsel for the petitioners does not want to press the petition and wants to withdraw it, this petition is dismissed as withdrawn.

Consequently, I.A. No.2977/2005 and M.W.P. No. 1194/2005 also stand disposed of. C. Copy, Copy to Executing Court

Sd/-
Fakhruddin
Judge

H/P 21/4/05